



500.35527CX2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): T. SHIBA, et al

Serial No.: 10/730,003

Filed: December 9, 2003

For: SPREAD SPECTRUM COMMUNICATION DEVICE AND
COMMUNICATION SYSTEM

Group: 2611

Examiner: S. M. Lee

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 10, 2007

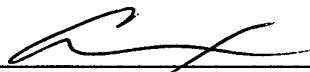
Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this
application in condition for allowance.

Accordingly, early allowance of claims 2 and 5-12 is respectfully
requested.

To the extent necessary, applicants petition for an extension of time under
37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with
the filing of this paper, including extension of time fees, to Deposit Account No.
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Respectfully submitted,



Carl I. Brundidge
Registration No. 29,621
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

CIB/jdc
703/684-1120

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Docket Number (Optional)

500.35527CX2

In re Application of: **Takashi SHIBA, et al**

Application No.: **10/730,003**

Filed: December 9, 2003

For: **SPREAD SPECTRUM COMMUNICATION DEVICE AND COMMUNICATION SYSTEM**

The owner, **HITACHI, LTD.**, (As per the Assignment recorded on Reel 8712 and Frame 0963) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,697,418 B1 as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is issued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Req. No. 29,621

Signature _____

April 10, 2007

Date _____

Carl I. Brundidge

Typed or printed name

703) 684-1120

Telephone number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP §324.

[illegible]

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